

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Lina M. Khan, Chair  
Noah Joshua Phillips  
Rohit Chopra  
Rebecca Kelly Slaughter  
Christine S. Wilson

In the Matter of

Hackensack Meridian Health, Inc.,  
a corporation,

and

Englewood Healthcare Foundation,  
a corporation.

DOCKET NO. 9399

ORDER GRANTING FURTHER CONTINUANCE

On June 23, 2021, Complaint Counsel and Respondents Hackensack Meridian Health, Inc. (“HMH”) and Englewood Healthcare Foundation (“Englewood”) jointly moved to postpone commencement of the evidentiary hearing in this proceeding by approximately thirty days, until August 16, 2021. Joint Expedited Motion for a Continuance of Administrative Proceedings (“Joint Motion”). This represents the second joint request for continuance of the evidentiary hearing. On May 25, 2021, we granted a similar joint motion to continue the commencement of the hearing from June 15, 2021 to July 15, 2021. ~~Order Granting Continuance (“May 25 Order”).~~ For reasons similar to those expressed in our May 25 ~~Order~~, we determined to grant a further continuance of the hearing to August 16, 2021.

On December 3, 2020, the Commission issued an administrative complaint challenging a proposed transaction whereby HMH would acquire Englewood (“the Proposed Transaction”). The Commission at that time also filed a complaint in the U.S. District Court for the District of New Jersey seeking a preliminary injunction barring the Proposed Transaction until completion of the administrative proceeding. The preliminary injunction hearing concluded on May 18, 2021, and the district court heard closing arguments on June 2, 2021. The parties anticipate receiving a decision in that action within the next several months. Joint Motion at 2. The parties state that “[i]t is highly likely that [the preliminary injunction] ruling will cause these administrative proceedings to be suspended or rendered moot.” ~~at 4~~d.

The parties argue that granting the requested continuance and extending deadlines would protect the parties and third parties and their witnesses from unnecessary burdens and expense, without prejudicing the Commission at 1-4. They explain that third parties will need to prepare complex submissions seeking in camera treatment of their discovery materials and that witnesses – including up to 28 third party witnesses –

